

**REMARKS/ARGUMENTS**

Claims 1-39 stand rejected in the outstanding Official Action. Claims 1-15 and 27 have been amended and therefore claims 1-39 remain in the application.

The Examiner's confirmation of Applicants' claim for foreign priority and receipt of the certified copy of the priority document is very much appreciated. In addition, the Examiner's indication of acceptance of the formal drawings originally submitted is appreciated. Finally, the Examiner's review of the prior art set out in Applicants' previously submitted Information Disclosure Statement is appreciated.

The Examiner's comments regarding the copy of "A Pipeline Push-Down Stack Computer" by H. Stone is appreciated. As submitted, this was the best copy available to the Applicants. However, Applicants will attempt to obtain a more readable document for supplementation to the U.S. Patent and Trademark Office records.

Claims 1-15 are objected to, with the Examiner suggesting that, rather than the claims starting with "Apparatus," they should start with "An apparatus." While Applicants traverse the Examiner's requirement, the suggested amendment is not believed to be limiting of the scope of Applicants' claims and therefore claims 1-15 have been amended as suggested by the Examiner.

Claims 12 and 27 stand rejected under 35 USC §112 (second paragraph) as being indefinite. Specifically, the Examiner finds a lack of antecedent basis in the two claims. The Examiner has suggested that the claims be amended to be dependent from claims 2 and 17, respectively. Applicants have amended the claims as suggested by the Examiner.

Accordingly, and in view of the above amendments, claims 1-39 are believed to meet all formality requirements, and in addition, all requirements of 35 USC §112 (second paragraph), and any further rejection thereunder is respectfully traversed.

Claims 1-8, 10-23, 25-34 and 36-39 stand rejected under 35 USC §102(e) as being anticipated by Sakamoto (U.S. Patent 6,820,252). The presently claimed application claims priority from a UK filing on May 31, 2001 (such priority claim was acknowledged by the Examiner at the bottom of the “Office Action Summary” sheet attached to the outstanding Official Action). Thus, in order to establish any question of inventorship with respect to the present application, a cited publication must have been filed in the U.S. Patent and Trademark Office **prior to May 31, 2001**.

It is noted that the Sakamoto reference was filed in the U.S. Patent and Trademark Office on November 29, 2001, some 6 months **after** Applicants’ UK filing date. The fact that the Sakamoto reference claims priority from an earlier filed Japanese application does not meet the requirements of 35 USC §102(e), i.e., “by another filed in the United States before the invention by the applicant for patent” (emphasis added). There is simply no evidence that the Sakamoto application was “filed in the United States” before May 31, 2001, and therefore Sakamoto is not available as a reference under 35 USC §102(e).

Because the Sakamoto reference is not available as a §102(e) reference against the claims in the present application, it cannot support any rejection of claims 1-8, 10-23, 25-34 and 36-39 under 35 USC §102(e) and any future rejection thereunder is respectfully traversed.

Claims 9, 24 and 35 stand rejected under 35 USC §103(a) as being unpatentable over Sakamoto in view of Patel (U.S. Patent 6,332,215). As noted above, Sakamoto is not available as a reference against claims 1, 16 and 31, from which claims 9, 24 and 35 ultimately depend. As a result, if Sakamoto is not available as a reference, then all structures, method steps and computer program elements must be shown in the Patel reference. The Examiner does not allege that Patel teaches all of the items recited in claims 9, 24 and 35 (or the independent claims from

DORNAN et al  
Appl. No. 10/081,215  
March 22, 2005

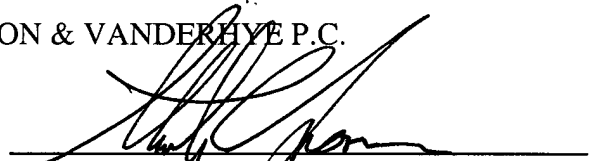
which they depend) and instead relies solely upon the combination of the Sakamoto and Patel references for rendering obvious those claims. Accordingly, because Sakamoto is not available as a reference against claims 9, 24 and 35, there can be no combination of Sakamoto and Patel and therefore any further rejection thereunder is respectfully traversed.

Having responded to all objections and rejections set forth in the outstanding Official Action, it is submitted that claims 1-39 are in condition for allowance and notice to that effect is respectfully solicited. In the event the Examiner is of the opinion that a brief telephone or personal interview will facilitate allowance of one or more of the above claims, he is respectfully requested to contact Applicants' undersigned representative.

Respectfully submitted,

NIXON & VANDERHYTE P.C.

By:

  
Stanley C. Spooner  
✓ Reg. No. 27,393

SCS:kmm  
1100 North Glebe Road, 8th Floor  
Arlington, VA 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100